



STATE BOARD OF INSURANCE

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August 7, 1991

Attn: Opinion Committee
The Honorable Dan Morales
Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711-2548

RD 373
RD 170

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Opinion Committee

Re: Request for Information Deemed Confidential by TEX. INS. CODE
ANN. art. 21.49-1, §10 (Vernon 1981)

Dear General Morales:

On July 29, 1991, the State Board of Insurance received a request from Bradford M. Condit for the "registration statements" of Texas Employers' Insurance Association and Employers' Casualty Company filed under article "21.49-1, §8.02(3)." Article 21.49-1 of the Insurance Code contains no §8.02(3). In a subsequent telephone call, Mr. Condit stated that his request encompassed information filed under TEX. INS. CODE ANN. art. 21.49-1, §3 (Vernon 1981). Material filed under §3 of article 21.49-1 is expressly made confidential under the provisions of TEX. INS. CODE ANN. art. 21.49-1, §10 (Vernon 1981). Therefore, the requested material is exempt from disclosure under the Open Records Act, TEX. REV. CIV. STAT. ANN. art. 6252-17a, §3(a)(1) (Vernon Supp. 1991).

The State Board of Insurance requests that you provide the agency with a formal opinion that all material filed pursuant to article 21.49-1, §10 is confidential by law and therefore exempt from disclosure under §3(a)(1) of the Open Records Act. A copy of Mr. Condit's request is enclosed for your reference. The agency will forward copies of representative samples of the requested material for the Opinion Committee's determination.

Please forward all correspondence related to this matter to Karen J. Cox, Staff Attorney, Program Division, Legal Services, 110-1C. Your prompt response is greatly appreciated.

Sincerely,

Philip W. Barnes
Commissioner of Insurance

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